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GOVERNMENT OF TRIPURA
SOCIAL WELFARE AND SOCIAL EDUCATION DEPARTMENT

F.No.85(133)-SW/DC/2017(Vol. III)/934 **Dated, Agartala, the 9th January, 2019**

OFFICE MEMORANDUM

Subject: Guidelines and Modalities for Effecting Reservation for the Persons with Benchmark Disabilities – reg.

With enactment of 'THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016' from 19th April, 2017 and notification of 'THE RIGHTS OF PERSONS WITH DISABILITIES RULES, 2017 on 15th June, 2017, the following instructions are issued in line with the provisions made therein regarding reservation for persons with Benchmark Disabilities, as defined under Section 2(r) of the Act against the posts and services of the State Government.

2. **QUANTUM OF RESERVATION**

2.1 In case of direct recruitment, four per cent of the total number of vacancies to be filled up by direct recruitment, in the cadre strength in each group of posts i.e. Groups A,B, C and D shall be reserved **horizontally** for persons with benchmark disabilities.

2.2 Against the posts identified[1] for each disabilities of which, one per cent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent, under clauses (d) and (e), unless excluded under the provisions of Para 3 hereunder.

(a) blindness and low vision;
(b) deaf and hard of hearing;
(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;
(d) autism, intellectual disability, specific learning disability and mental illness;
(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf- blindness.

3. **EXEMPTION FROM RESERVATION**

If any Department in the State Government considers it necessary to exempt any establishment or any cadre or cadres fully or partly from the provisions of reservation for persons with benchmark disabilities, it shall make a reference to the Department of Social Welfare & Social Education giving full justification for the proposal, who having regard to the type of work carried out in any Government establishment under the State of Tripura by notification and subject to such condition, if any, as may be specified in the notification, in consultation with the Commissioner for persons with Disabilities (CPD) may exempt any Establishment or any cadre(s) fully or partly from the provisions of reservation for persons with benchmark disabilities.

[1] State Government will use list of posts identified for such reservation. The revised list of identified posts as per the new Act is being notified by GA (P&T) Deptt.

4. **ADJUSTMENT AGAINST UNRESERVED VACANCIES**

4.1 In the category of posts which are identified suitable for persons with benchmark disabilities, a person with benchmark disability cannot be denied the right to compete for appointment by direct recruitment against an unreserved vacancy. Thus a person with benchmark disability can be appointed by direct recruitment against vacancy not specifically reserved for the persons with benchmark disability provided the post is identified suitable for persons with benchmark disability of the relevant category.

4.2 Persons with benchmark disabilities selected without relaxed standards along with other candidates will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with benchmark disabilities which will thus comprise of candidates with benchmark disabilities who are lower in merit than the last candidate in merit list but otherwise found suitable for appointment, if necessary by relaxed standards.

5. **CERTIFICATE OF DISABILITY**

A person who wants to avail the benefit of reservation will have to submit a certificate of disability issued by a Competent Authority[2]. Such certificate in the event of selection of such person for any post, will be subject to such verification/re-verification as may be decided by the competent authority.

6. **COMPUTATION OF NUMBER OF POSTS TO BE RESERVED**

6.1 The number of posts to be reserved for persons with benchmark disabilities in case of Group C & D posts shall be computed on the basis of total number of vacancies in the cadre strength of Group C & D posts, in the establishment, although the recruitment of the persons with benchmark disabilities would only be against the category of posts identified suitable for them. The number of vacancies to be reserved for the persons with benchmark disabilities in case of direct recruitment to Group C posts in an establishment shall be computed by taking into account the total number of vacancies arising in Group C posts for being filled by direct recruitment in a recruitment year both in the identified and non-identified category of posts under the establishment. Since reservation, wherever applicable, for persons with Benchmark Disabilities is provided computing total number of vacancies in the cadre strength in identified category of posts as well as unidentified category of posts, it may be possible that number of persons appointed by reservation in an identified category of posts may exceed four per cent.

6.2 Reservation for persons with benchmark disabilities in Group A or Group B posts will be computed on the basis of total number of vacancies occurring in direct recruitment quota in the cadre in all the Group A posts or Group B posts respectively and the computation of total vacancies shall include vacancies arising in the identified and non-identified category of posts.

6.3 Thus the total number of posts to be reserved would be 4% of the total vacancies in any given year including both identified and non-identified posts plus backlog vacancies in the group if any. This should be clearly notified while bringing out the advertisement for recruitment. It the number of posts so computed comes to a fraction then it shall be rounded off to the next higher integer.

[2] Competent Authorities are those notified by the State Government for issue of disability certificate in the State like State Disability Board and District Disability boards.

7. **EFFECTING RESERVATION- MAINTENANCE OF ROSTERS:**

7.1 Every Government establishment shall maintain group-wise a separate 100 point vacancy based reservation roster register in the format given in **Annexure I** for determining / effecting reservation for the persons with Benchmark Disabilities – one each for Group A, Group B, Group C and Group D posts filled by direct recruitment. This roster would be separate and in-addition to the reservation roster to be maintained for reservation of SCs/STs as per the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991.

7.2 Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into four blocks, comprising the following points.

1st Block – point No. 01 to point No. 25
2nd Block point No. 26 to point No. 50
3rd Block – point No. 51 to point No. 75
4th Block – point No. 76 to point No. 100

7.3 Points 1, 26, 51 and 76 of the roster shall be earmarked for persons with benchmark disabilities-one point each for four respective categories of disabilities. The Administrative department shall ensure that vacancies identified at Sl.No. 1, 26, 51 and 76 are earmarked for the respective categories of the persons with benchmark disabilities. However, the Administrative department shall decide the placement of the selected candidate in the roster register. The circumstances in which this shall be done in explained in the paragraphs 7.4 to 7.6 below.

7.4 All the vacancies arising irrespective of vacancies reserved for persons with Benchmark Disabilities shall be entered in the relevant roster. If the vacancy falling at point No.1 is not identified for the person with Benchmark Disability or the Administrative department considers it desirable not to fill it up by persons with benchmark disabilities[3] or it is not possible to fill up that post by the Persons with Benchmark Disabilities for any other reason, one of the vacancies falling at any of the points from 2 to 25 shall be treated as reserved for the persons with benchmark disability and filled as such.

7.5 Likewise, a vacancy falling at any of the points from 26 to 50 or from 51 to 75 or from 76 to 100 shall have to be filled by the persons with Benchmark Disabilities. The purpose of keeping points 1,26,51 and 76 as reserved is to fill up the first available suitable vacancy.

7.6 There is a possibility that none of the vacancies from 1 to 25 is suitable for any category of the persons with benchmark disability. In that case two vacancies from 26 to 50 shall be filled as reserved for persons with benchmark disabilities. If the vacancies from 26 to 50 are also not suitable for any category, three vacancies shall be filled as reserved from the third block containing points from 51 to 75. This means that if no vacancy can be reserved in a particular block, it shall be carried into the next block.

7.7 After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.

7.8 If the number of vacancies in a year is such as to cover only one block (say 25 vacancies) or two (say 50 vacancies), the category of the persons with benchmark disabilities should be accommodated as

[3] The only condition when this will be applicable will be when the post falling at point no. 1 is an exempted post for persons with disabilities, with requisite approval from the State Commissioner for Persons with Disabilities.

per the roster points. However, in case , the said vacancy is not identified for the respective category ,the Administrative department in consultation with the State Commissioner for Persons with Disabilities shall decide the category on the basis of the nature of the post, the level of representation of the specific disabled category in the concerned grade/post etc.

8. **INTER SE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF DIRECT RECRUITMENT:**

8.1 Where in any recruitment year any vacancy cannot be filled up due to non availability of a suitable person with benchmark disability or for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the following four categories of disabilities, at one percent each to each category.

A. Blindness and low vision
B. deaf and hard hearing
C. locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy.
D. autism, intellectual disability, specific learning disability and mental illness; &
multiple, disabilities from amongst persons under clauses (a) to (d) including deaf-blindness.

8.2 Only when there is no person with benchmark disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person other than a person with benchmark disability.

8.3 If the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged with the prior approval of Department of Social Welfare & Social Education, among the above mentioned four categories.

8.4 If any vacancy reserved for any category of benchmark disability cannot be filled due to non-availability of a suitable person with that benchmark disability or for any other sufficient reason, such vacancy shall be carried forward as a backlog reserved vacancy to the subsequent recruitment year.

8.5 In the subsequent recruitment year the 'backlog reserved vacancy' shall be treated as reserved for the category of disability for which it was kept reserved in the initial year of recruitment. However, if a suitable person with that benchmark disability is not available, it may be filled by interchange among the categories of benchmark disabilities identified for reservation. In case no suitable person with benchmark disability is available for filling up the vacancy in the succeeding year also, the employer may fill up the vacancy by a person other than a person with benchmark disability. If the vacancy is filled by a person with benchmark disability of the category for which it was reserved or by a person of other category of benchmark disability by inter se exchange in the subsequent recruitment year, it will be treated to have been filled by reservation. But if the vacancy is filled by a person other than a person with benchmark disability in the subsequent recruitment year, reservation shall be carried forward for a further period upto two recruitment years whereafter the reservation shall lapse. In these two subsequent years, if situation so arises, the procedure for filling up the reserved vacancy shall be the same as followed in the first subsequent recruitment year.

8.6 The Government establishment shall interchange vacancies only if due process of recruitment viz. proper advertisement of vacancy to fill up the vacancies reserved for persons with benchmark disabilities has been complied with.[4]

8.7 In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the persons with benchmark disabilities candidates shall first be counted against the additional quota brought forward from previous years, if any, in their chronological order. If candidates are not available for all the vacancies, the older carried forward reservation would be filled first and the current vacancies would be carried forward if not filled up provided that in every recruitment, the number of vacancies reserved for Persons with Benchmark Disabilities including carried forward vacancies will be announced beforehand, for the information of all aspirants.

9. **HORIZONTALITY OF RESERVATIONS FOR PERSONS WITH BENCHMARK DISABILITIES:**

9.1 Reservation for backward classes of citizens (SCs and STs) is called vertical reservation and the reservation for categories such as persons with benchmark disabilities and ex-servicemen is called horizontal reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation) and persons selected against the quota for persons with benchmark disabilities have to be placed in the appropriate category viz. SC/ST/Unreserved depending upon the category to which they belong in the roster meant for reservation of SCs/STs. To illustrate, if in a given year there are two vacancies reserved for the persons with benchmark disabilities and out of two persons with benchmark disabilities appointed, one belongs to Scheduled Caste and the other to Unreserved category, then the SC candidate with benchmark disability shall be adjusted against the SC point in the reservation roster and the Unreserved candidate with benchmark disability against unreserved point in the relevant reservation roster. In case none of the vacancies falls on point reserved for the SCs, the candidate under benchmark disability belonging to SC shall be adjusted in future against the next available vacancy reserved for SCs.

9.2 Since the persons with benchmark disabilities have to be placed in the appropriate category viz. SC/ST/Unreserved in the roster meant for reservation of SCs/STs , the application form for the post should require the candidates applying under the quota reserved for persons with benchmark disabilities to indicate whether they belong to SC/ST or unreserved. Thus, reservation for persons with benchmark disabilities is horizontal.[5]

10. **CERTIFICATE BY REQUSITIONING AUTHORITY**

10.1 In order to ensure proper implementation of the provisions of reservation for persons with benchmark disabilities, the requisitioning authority while sending the requisition to the recruiting agency or authority as the case may be for filling up of posts shall furnish the following certificate to the recruiting agency.

"It is certified that the requirements of the "THE RIGHTS OF PERSONS WITH DISABLIITIES ACT. 2016, which has become effective from 19th day of April 2017 and the policy relating to reservation for persons with benchmark disabilities has been taken care of while sending this requisition. The vacancies

[4] The interchange may be made only after the conditions in para 8.5 are fulfilled and the whole process i.e due advertisement; selection procedure i.e written examination and oral examination, if applicable; compilation of merit lists and preparation of recommendation list for issue of offer of appointment category-wise, are all complete.

[5] The prescribed application form for candidates, format of which should be indicated in the advertisement for recruitment, should clearly show *inter alia* columns seeking information viz. as to whether he wishes to avail reservation facility for PwDs and his caste category i.e whether he is SC, ST or General candidate.

reported in this requisition fall at points no.....of cycle no.....of 100 point reservation roster out of which.....number of vacancies are reserved for persons with benchmark disabilities."

10.2 At the time of initial appointment against a vacancy reserved for persons with benchmark disabilities, the appointing authority shall ensure that the candidate is eligible to get the benefit of reservation.

11. **RELAXATION OF STANDARD OF SUITABILITY**

11.1. If sufficient number of candidates with benchmark disabilities candidates is not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. However, this provision shall not be used to allow any relaxation in the eligibility criteria laid down for the issuance of certificate of disability. The quantum and nature of relaxation[6] should be decided in advance and notified while making advertisement for direct recruitment.

11.2 Same relaxed standard should be applied for all the candidates with Benchmark Disabilities whether they belong to Unreserved /SC/ST. No further relaxation of standards will be considered or admissible in favour of any candidate from any category whatsoever.

12. **PREPARATION OF MERIT LISTS FOR EFFECTING RESERVATION FOR PWDs.**

12.1 At the time of preparation of merit list, following types of merit lists should be prepared as follows:-

(a) Combined merit list including all categories i.e Gen., ST & SC
(b) Merit list for SC candidates
(c) Merit list for ST Candidates
(d) 4 Merit lists of Persons with Disabilities for each of the four categories as mentioned in para 2.2

12.2 From the combined merit list, the posts of unreserved category candidates as per their merit shall be filled up. In case a person with benchmark disability is selected without relaxed standards along with other candidates, he will not be adjusted against reserved share of PwD vacancies, provided that the post is identified suitable for PwD of relevant category. There after posts reserved for SC and ST candidates would be filled up.

12.3 The 1st candidate in order of merit, after accounting for those adjusted on the basis of merit, from the each of the four category of disability would be selected and the last candidate from the merit list of the concerned category i.e UR, SC or ST depending on the actual category of PwD candidate, replaced. This would be repeated till 4% reservation, 1% from each of the 4 categories, is fulfilled.

12.4 If the number of vacancies in an year are less than 100, say 25 or 50, the reservation for PwDs would be effected following the above procedure and category of persons with benchmark disabilities should be accommodated as per roster points. However, if the said vacancy is not identified for respective category, the Administrative department shall, in consultation with State Commissioner for

[6] The nature and quantum of relaxation would be applicable only to the criteria viz. upper limit of age and qualifying marks obtained in the selection examination (s).

Persons with Disabilities, decide the category on the basis of nature of posts, the level of representation of specific disabled category in the concerned grade/posts. Illustrations are given at **Annexure II.**

13. **MEDICAL EXAMINATION**

As per Rue 10 of the Fundamental Rules, every new entrant to Government Services on initial appointment is required to produce a medical certificate of fitness issued by a competent authority. In case of medical examination of a person with benchmark disabilities for appointment to a post identified as suitable to be held by a person suffering from a particular kind of disability, the concerned Medical Officer or Board shall be informed beforehand that the post is identified suitable to be held by persons with benchmark disabilities of the relevant category and the candidate shall then be examined medically keeping this fact in view.

14. **ANNUAL REPORTS REGARDING REPRESENTATION OF PERSONS WITH BENCHMARK DISABILITIES:**

The Department shall continue to upload data on representation of Persons with Benchmark Disabilities along with data on SCs, STs in respect of posts/services under the State Government on the URL i.e. https://socialwelfare.tripura.gov.in/ as on 1st January of every year. All Departments would provided respective usercode and password with guidelines for operating the URL.

15. **MAINTANANCE OF REGISTER OF COMPLAINTS BY THE GOVERNMENT ESTABLISHMENT:**

15.1 Every Government establishment shall appoint a senior officer of the Department as the Grievance Redressal Officer.

15.2 The Grievance Redressal Officer shall maintain a register of complaints of persons with disabilities with the following particulars, namely :-

(a) date of complaint
(b) name of complainant
© the name of the establishment or person against whom the complaint is made:
(d) gist of the complaint
(e) date of disposal by the Grievance Redressal Officer and
(f) any other information.

15.3 Any person aggrieved with any matter relating to discrimination in employment against any person with disability may file a complaint with the Grievance Redressal Officer of the respective Government establishment.

15.4 Every complaint filed as per para 14.3 above, shall be inquired into within two months of its registration and outcome thereof or action taken thereon shall be communicated to the complainant / person with Benchmark Disability.

16. All the Departments are requested to bring the above instructions to the notice of all appointing authorities under their control.

Chaitanya 8/1/21

(Chaitanya Murti)
Spl.Secretary to the Govt. of Tripura

ANNEXURE I

RESERVATION ROSTER FOR PERSONS WITH BENCHMARK DISABILITIES

Year of recruitment	Cycle No	Point No	Name of Post	Identified suitable for persons with benchmark disabilities covered under the following respective categories				Unreserved Or reserved**	Name of the person Appointed And date of Appointment	Whether The person appointed is in a.b.c & (d &e) or None***	Remark, if any
				a	b	c	(d&e)				

Respective Categories

(a) blindness and low vision
(b) deaf and hard of hearing
(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack, victims and Muscular dystrophy
(d) autism, intellectual disability, specific learning disability and mental illness
(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness

** If identified reserved, write **a/b/c/(d&e)** as the case may be, otherwise write UR

*** Write **a/b/c/(d&e)** or None, as the case may be.

Annexure II

ILLUSTRATIONS FOR EFFECTING RESERVATION FOR PWDS.

A. Let us assume a case of recruitment of 110 vacant posts by direct recruitment (1st cycle) in any department. As per reservation policy of the State Government 31% ST, 17% SC candidates and 4% PwD (1% of each of four categories horizontally) are to be selected. It would mean that 34.1 ST (i.e 35 ST), 18.7 SC (i.e 19) SC and 56 UR candidates would have to be selected. Horizontally there would be 5 PwDs candidates in this recruitment, One each for categories b, c, d& e and two posts for category a (categories indicated in para 2.2 of the guidelines refers). In second and subsequent cycles the no. of posts, category-wise, would depend upon the vacant roster points for PwDs.

B. So first 56 posts for UR would be filled up purely on merit, this may include candidates from PwD who qualify without relaxed standards, provided that the posts are identified for being occupied by them.

C. Then SC and ST posts would be filled up from their respective merit lists, after accounting out those who have already filled up UR posts.

D. If 4% PwDs @ 1% each are already covered, without counting those who are covered in UR posts, after completing the above process, no further action needs to be taken.

E. But in case the number of candidates covered is less than 4% say, in above case, say less than 5 i.e 4, then the following needs to be done. 1st step is to identify the category of PwD which is unrepresented. Say if instead of desired 2 visual if only one in filled up, then the 1st unselected candidate (i.e 1st after discounting those already in UR list) from visual merit list would be picked up. Say his or her category is General, then the last candidate from UR list would be knocked off and the PwD candidate put in that place. Similarly if the PwD candidate is SC or ST, the last person from the SC or ST list, as the case may be would be replaced. If the representation is even less say 2 out of 5 after completing the process till para C above, 3 persons form PwD merit list of appropriate category would be adjusted after knocking off the last candidate from either UR, SC or ST lists, depending upon the caste category of the PwD candidates.

F. Suppose that the no. of vacancies in a year are say 22. So the number of posts reserved for PwDs would be only 1. If this is the 1st cycle of recruitment, then the post as per roster for PwD would be for visual category. However, if the vacant posts are not identified suitable for visual category, then the Administrative department shall, in consultation with State Commissioner for Persons with Disabilities, decide the category on the basis of nature of posts, the level of representation of specific disabled category in the concerned grade/posts. If the no. of vacancies is more than 25 and less than 50, then the no. of reserved posts for PwDs would be 2, one for visual and one for deaf and hard of hearing and so on. In the 2nd and subsequent cycles the category of posts would be as per vacant roster points for PwDs.